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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/854,778 | 05/14/2001 | Edward O. Clapper | INTL-0564-US (P11332) | 8166 |

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EXAMINER

HOOSAIN, ALLAN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2645

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,778

Applicant(s)

CLAPPER, EDWARD O.

Examiner

Allan Hoosain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3,5-12,14-24 are rejected under 35 U.S.C. 102(e) as being anticipated by **Beach et al.** (US 6,084,528).

As to Claims 1,11, with respect to Figures 1-3, **Beach** teaches a method comprising:

wirelessly linking a plurality of customers within a retail facility through a local area network based in the retail facility (Figure 1, label 20 and Col. 3, lines 34-40, 57-58); and enabling customers to exchange information through said network (Col. 3, lines 44-56).

As to Claims 2,12, **Beach** teaches the method of claim 1 wherein wirelessly linking includes providing wireless access to a server by a plurality of customers within a retail facility (Col. 3, lines 44-56).

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As to Claim 3, **Beach** teaches the method of claim 1 including providing a processor-based device to retail customers that wirelessly communicates with said server (Figure 3).

As to Claims 5,14, **Beach** teaches the method of claim 1 including receiving audible communications from said customers (Col. 4, lines 16-24).

As to Claims 7,15,17,20, **Beach** teaches the method of claim 1 including pushing electronic files to customers (Col. 9, lines 1-19).

As to Claims 6,16, **Beach** teaches the method of claim 1 including enabling consumers and customer service attendants (customers) to communicate via text messages with one another over said network (Col. 11, lines 54-63 and Col. 12, lines 1-3).

As to Claim 8,18, **Beach** teaches the method of claim 1 including providing information about the current location of a processor-based device associated with a customer (Col. 12, lines 51-52).

As to Claims 9,19, **Beach** teaches the method of claim 8 including providing information about the customer's location to the server (Col. 12, lines 51-52).

As to Claim 10, **Beach** teaches the method of claim 9 including pushing information to the customer depending on the customer's current location (Col. 10, lines 49-55).

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As to Claims 21-24, with respect to Figures 1-3, **Beach** teaches a system comprising:

a processor (Col. 3, lines 45-50); and

a storage coupled to said processor to wirelessly link a plurality of customers within a retail facility through a local area network based in the retail facility and enable customers to exchange information through said network (Col. 3, lines 34-38,57-58).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4,13,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Beach** in view of **Ogasawara** (US 6,386,450).

As to Claims 4,13,25, **Beach** teaches the method of claim 3 including enabling users to:

Beach does not teach the following limitations:

“activate said device by swiping a credit card through a slot in said device”

Ogasawara teaches mobile terminals with slots for receiving credit cards or IC cards (Col. 6, lines 26-31 and Figure 1). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add device slot capability to

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Beach's invention for exchanging information with a retail facility in order to provide shopping services using portable terminals.

shopping services using portable terminals.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Angle et al. (US 6,366,771) teach transmitting scanned text information between portable terminals.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Allan Hoosain

Primary Examiner

2/6/04